IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.548 OF 2006

Kiritkumar Ramanlal Shah .. Petitioner.
V/s.
Union of India & Others .. Respondents.

Ms.Sonal Gokhale i/b. M/s.Akshar Laws for the petitioner.

Mr.A.S. Rao for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 10TH MARCH, 2006.

P.C. :

Heard Ms.Sonal Gokhale, the learned counsel for the petitioner.

2. The contention of the learned counsel for the petitioner is that the Tribunal without giving any reason ordered pre-deposit of 10% of the amount of penalty. The learned counsel would submit that the petitioner does not have financial position to make pre-deposit and that is what was contended before the Tribunal as well. But this aspect was not adverted to by the Tribunal in the right perspective.

3. We are unable to accept the submissions of the learned counsel. Before the Tribunal, the petitioner (appellant therein) did set up a case that he was not in a financial position to make the

pre-deposit. The Tribunal did consider this aspect and held that the record did not disclose actual position of the financial conditions of the appellant (petitioner herein). In the circumstances, it cannot be said that the Tribunal recorded no reason for directing the petitioner to deposit 10% of the amount of penalty as a condition precedent for entertaining the appeal. Speaking order does not mean that there must be detailed and elaborate reasons. Rather it means the order must disclose the reason that weighed in the mind of the quasi judicial authority in passing the order. The impugned order does disclose the reason as to why the contention of the appellant that he was not in a financial position to make pre-deposit was not accepted.

4. The writ petition does not deserves to be admitted and is dismissed in limine.

5. By way of indulgance in the peculiar facts and circumstances of the case, we extend the time of pre-deposit for a further period of two months from today.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)